



City of Rockville
MEMORANDUM

August 19, 2005

TO: Twinbrook Neighborhood Plan Advisory Group (TNPAG)

FROM: Ann Wallas, Long Range Planning

SUBJECT: **TNPAG Meeting Thursday August 25, 2005 – Land Use and Zoning**

At our July meetings Advisory Group members had an opportunity to identify the kinds of land uses they would like to see in the Twinbrook area during the next twenty years. In your packets you will find an updated copy of the site sheet that shows all the suggestions made by the TNPAG, together with some suggestions and observations made by the staff land use team.

We have looked carefully at all of the advice given and have found that for many of the sites the suggested uses could be achieved using the existing zoning, even if they are different uses from the existing one. On those sites – if the TNPAG agrees - a confirmation of the existing zoning may be made.

On the sites where the suggested uses cannot be made within the existing zoning we will present suggestions for how changes might be made, should the group decide that change is needed. We will discuss all of these ideas at our meeting next week, and begin the process of developing a consensus on what the future uses and zoning should be for the Twinbrook neighborhoods.

In order to help you prepare for next week's meeting we are including an information paper on the land use and zoning process. It outlines how the existing land use patterns came about, what Zoning is, and how the different elements of the Zoning Ordinance dictate both the kinds of uses which can be developed, as well as the form the buildings will take.

Please try and pay particular attention to the kinds of uses and the development standards that are currently allowed in each zone. ***It is very important to keep in mind that “doing nothing” will not necessarily mean that existing buildings or development will stay the same*** – for example, try to imagine six-story office buildings being built in the

commercial areas on Veirs Mill Road – they are a legal use, and would be allowed under the existing zoning.

We have enclosed a map of the existing zoning in Twinbrook with this packet. You might also find it interesting to browse through the City's current Zoning Ordinance, which you can find it online at:

<http://www.rockvillemd.gov/government/citycode.htm>

click the blue lettered "Rockville Code and Charter" and proceed through the "Rockville Code of Ordinance 1989 (12111) button. Once through, scroll down the left side to Article 25, Zoning.

Meeting on August 4, 2005 – MNCPPC Twinbrook Metro Sector Plan

At our last meeting we heard presentation from MNCPPC and JBG. MNCPPC have scheduled several important meetings to share more details about their plans for the area.

These are:

Monday August 29, 2005 from 6 - 9 pm
Twinbrook Community Center
Open House - to tell the community about the planning process.

This meeting will repeat the information that we learned on August 4, 2005. However, additional MNCPPC staff will be available to answer questions.

Thursday September 22, 2005 - from 1pm onwards
MNCPPC Montgomery Regional Office, 8787 Georgia Avenue, Silver Spring
Presentation of Plan to the Montgomery County Planning Board

(The Plan should be available to the public some time after September 15, 2005)

Monday September 26, 2005 from 6 - 9pm
Twinbrook Community Center
Open House to present the Plan to the community.

Public comment will be taken until the Plan is presented to the Montgomery County Council, which will be some time in November, if the schedule stays on track.

Enclosures

The following information is enclosed with this memo:

- Agenda for the TNPAG meeting on Thursday August 25, 2005, at 7:00 pm in the Dining Room at Glenview Mansion.
- Information briefing on Land Use and Zoning In The Twinbrook Neighborhoods.
- Table of Twinbrook Neighborhood Sites that might offer future redevelopment potential.
- Twinbrook Zoning Map.
- Amended Meeting Schedule
- Meeting Notes from the August 4, 2005 meeting.

If you were unable to join us on August 4, 2005, you will also find copies of the information handed out during the meeting.

Land Use and Zoning In the Twinbrook Neighborhoods

Background

The land use patterns in the Twinbrook neighborhoods were established when the area was first developed in during the 1940s, 1950s and 1960s. The “residential wedge” nature of the area was further confirmed by the City of Rockville’s 1960 Master Plan and by the 1964 Montgomery County General Plan, which laid out the system of residential wedges and commercial corridors that defines the County today. Subsequent City Master Plans, including the 1982 Twinbrook Neighborhood Plan, confirmed this development pattern.

The city’s location along major transportation corridors such as Route 355 (Rockville Pike/Hungerford Drive/Frederick Road), the Metro Red line, and I-270 has led to the development of Rockville as a corridor city as envisioned in the Plan, and the City has become a major employment and retail center in the County. This has affected traffic patterns, business location decisions, and housing growth.

There is very little vacant land available in Rockville, and there is little vacant land immediately adjacent to the city limits that can be annexed in and developed. Future development within the existing corporate limits of Rockville will be either the redevelopment of existing sites, such as Town Square and Twinbrook Commons, or infill on the few remaining vacant or underdeveloped lots.

Land Use

Rockville’s Master Plan and neighborhood plans typically include “Planned Land Use” maps that categorize each parcel into a broad designation of desired land use for the property. These general categories include General Retail, Parks and Open Space, Office, and various categories of Single-family Detached residential, among others. In a City that is mostly developed such as Rockville, this map in most cases reflects the existing land uses where the use is not expected or desired to change. In a neighborhood or area plan, there is an opportunity to evaluate the Land Use Map on a parcel-by-parcel basis to determine what should be retained or changed, with a view toward the long-term future of the neighborhood. The Land Use Map becomes a reference for land use decisions, particularly when development proposals are brought forward.

Zoning

Traditionally, land use is associated with zoning. Zoning is a legislative mechanism for regulating the development of private property, and thus dictates how the land is used. The power to zone is derived from the ability of the State to enact legislation protecting public health, safety, morals and general welfare. These powers are sometimes referred

to as the “police powers”. The City derives its zoning authority from Article 66B of the Maryland State Code. The City’s Zoning Ordinance regulates and restricts the land uses that are permitted on each parcel and also establishes a set of development standards that regulate the height, number of stories, and size of buildings and other structures; the percentage of lot area that may be occupied; the amount of off-street parking required; the size of the lots; and the density of development, among other standards.

The City maintains an official Zoning Map that indicates the zone where each property is located; the Zoning Ordinance defines the zones and contains the development standards. Typically, the result of a master planning process is to effect rezoning of property per recommendations of the master plan through what is termed a Sectional Map Amendment. For that reason, master plans contain a recommended zoning map directly related to the Land Use Map. However, there are subtle differences in these two maps. For example, a use such as a public school is indicated differently than a residential area on the Land Use Map, while the properties may both be in the same zone indicated on the Zoning Map. In addition, the City’s Zoning Ordinance contains Special Development Procedures (discussed later), which would provide for a different use than allowed by the zoning of the property. Any changes to the text of the Zoning Ordinance is accomplished through a Zoning Text Amendment.

Rockville Zoning

Protecting the integrity of single-family residential neighborhoods has been a consistent goal of this and previous Neighborhood Plans. The majority - more than 97% - of land within the Twinbrook neighborhoods is zoned for single-family residential use, but multi-family residential is also allowed within the area. Lot size and building setback requirements from property lines are consistent within each residential zone. Some non-residential uses – such as schools - may also be permitted in residential zones, after going through a special exception review process. There is not a separate zone for “School”. Commercial, and Industrial zones govern the land use of the remaining, non-residential, portions of the area.

When zoning was first established it emphasized the establishment of single-use zones, thus separating commercial and industrial uses from residential uses. Within each use zone different types of structures were separated too – for example town houses could not be constructed within a single-family zone. The Twinbrook neighborhoods were developed using this type of single-use, single-structure zoning.

As the City developed it was recognized that this separation of uses and building types made access to transit, shopping and other amenities difficult, and a series of more flexible zoning categories were developed to remedy that difficulty. The first group of flexible zones were special development procedures which emphasized a mix of different types of housing within a residential zone. These were followed by the development of special zones such as the Town Center zones, the Rockville Pike Commercial (RPC) Zone, and the Rockville Pike Residential (RPR) Zone in areas where the City wanted to encourage a particular mix of uses, increase the number of housing options and maximize

on the considerable public investment already made in transit systems and other public infrastructure.

Land Uses

Specific land uses may be permitted within a zone by right (permitted), permitted with conditions, or allowed by special exception.

Permitted Use – no further zoning action is required to allow the use on the property. Signified in the Zoning Ordinance Table of Uses as a “P.” For example a single-family home, that will be used as a residence, can be approved for construction within a R-60 zone as a matter of right, without applying for any kind of special exception.

Conditional Permitted Use – the use can be established without further zoning action, but certain restrictions – such as additional parking spaces or size limitations - apply. Signified in the Zoning Ordinance Table of Uses as a “(P)”. For example, the retailing of shoes is a conditional permitted use in the C-1 zone, although it is permitted by right in the C-2 and RPC zones.

Special Exception – might be given for a use that would not normally be allowed without restriction in a zone. The City Board of Appeals can authorize the use if specific standards and requirements are put in place. Signified in the Zoning Ordinance Table of Uses as an “S”. For example, a nursing home may operate in a R-60 zone only by Special Exception.

Prohibited – a use is not allowed if not permitted, conditionally permitted, or by special exception. Signified by the absence of any symbol in the Zoning Ordinance Table of Uses. Uses not listed in the Zoning Ordinance Table of Uses are prohibited in all zones in the City.

Nonconforming Use – a use that was legal when that use was established at a particular site, but is no longer permitted in the zone. The Nonconforming Use may continue to operate indefinitely but cannot be expanded. However, if the use ceases to operate for 3 months, or if the structure containing the use is damaged to more than 50% of its replacement value, the use cannot be re-established, and any new building must conform to the current zone.

Development Standards

Each zone has a separate set of development standards that govern the size of structures within the zone. The standards control height, lot coverage, setbacks, lot sizes, and accessory structures. It is important to note that the Development Standards in the City’s Zoning Ordinance are not architectural standards or guidelines, and do not regulate the style or appearance of the structures.

Development Nonconformity - arises where some aspect of the land or buildings does not meet the current Ordinance requirements, such as a setback requirement that was put into the Ordinance after the structure was built. If the building that is a development nonconformity is demolished or damaged to more than 50% of its replacement cost, new construction must conform to today's zoning requirements.

Special Development Procedures

The City of Rockville Zoning Ordinance also offers a number of ***Special Development Procedures*** which allow for greater flexibility of development than the base zone would normally allow, both for lot sizes and/or land uses. The area thus retains its base zone (R-60, R-90, O-3 etc.) and development occurs according to an approval specific to the site. Examples are:

Planned Residential Unit Development (PRU): Allows for flexibility in the sizes of lots and the varieties of dwelling units and land uses under a comprehensive plan. Examples include Fallsmead, Rockshire and New Mark Commons.

Residential Townhouse Development (RTH): Allows for townhouse development in suitable areas of the City, subject to certain criteria. Examples include Ashleigh Woods and Cambridge Walk.

Comprehensive Planned Development (CPD): Allows for development flexibility to provide a wide range of residential, commercial, and office uses under a comprehensive plan of development. The King Farm and Fallsgrove communities are examples of comprehensive planned developments.

Changing a Zone

The zoning of each parcel is indicated on the City's official zoning map. The zoning map can only be altered through a Map Amendment process. There are two ways in which this can be achieved:

Sectional Map Amendment - Amends the zoning map for a section of the City covered by a Master Plan. The City initiates this process and public notice, including a public hearing, is required.

Local Map Amendment - Can be initiated by a property owner who must demonstrate that there has been either a substantial change in the character of the neighborhood since the last comprehensive zoning, which was not anticipated by the master plan, or that there was a mistake in applying the original zone.

The Twinbrook Neighborhoods

More than 97% of the land in Planning Areas 7 and 8 is zoned for residential uses. The balance is zoned for commercial and industrial uses. There are no mixed-use zones in either Planning Area.

The table below gives a summary of the land uses in the Twinbrook neighborhoods:

	Planning Area 7	Planning Area 8
Percentage of land use that is zoned residential	99%	97%
Percentage of land use that is zoned R-60	69%	97%
Percentage of land use that is zoned R-90	28%	0%
Percentage of land use that is zoned Multi-Family (R-20 and R-30)	2%	<1%
Number of Single Family homes in each PA	1587	1804
Number of Town Homes in each PA	31	65
Number of Multi-Family dwelling units in each PA	330	0
Number of acres zoned Commerical-1 (C-1)	1.94 (approx 83,000 square feet)	0
Number of acres zoned Commercial-2 (C-2)	10.99 (approx 479,000 square feet)	6.44 (approx 280,000 square feet)
Number of acres zoned Industrial-1 (I-1)	0	4.01 (approx 175,000 square feet)
Number of acres zoned Industrial-2 (I-2)	0	3.95 (approx 172,000 square feet)

Examples of uses permitted "P" in the residential zones:

- R-60 and R-90 (single family) zones:
 - Residential:
 - Detached one-family dwellings
 - Home Occupations:
 - Professional office
 - Office where no merchandise is commercially created, exchanged, sold or distributed.
 - Fine arts studio (individual works of art)
 - Rooming or boarding of not more than two persons (Non-relatives)
 - Custom dressmaking etc.

- Tutoring of not more than four students simultaneously
 - Accessory swimming pools
 - Institutional:
 - Child Care Home
 - Places of worship
 - Accessory uses to places of worship
 - Memorial garden, accessory
 - City owned or operated buildings and uses (excluding sanitary landfills and incinerators)
 - Temporary buildings or yard for constructions materials or equipment...
 - Temporary office or model home...for the sale or rental of real property in the immediate area
 - Off-street parking of motor vehicles used on the premises in connection with any uses permitted in the zone
 - Off-street parking facilities for a ...place of worship on a different and separate lot, which is 100 feet or less from a front entrance to a church or other place of worship
 - Wireless communication facility entirely within an existing building or one the roof or side...
- R-20 and R-30 (Multi-family zone):
 - Residential:
 - Attached one-family dwellings (townhouses)
 - Multiple-family dwellings
 - Home Occupations:
 - Same as R-60 and R-90
 - Accessory Swimming Pools, permitted with restrictions
 - All other uses same as R-60 and R-90, with the exception of
 - Business office incidental to the rental, operation, service and maintenance of dwelling units in apartment developments.

<i>Development Standards for Residential Zones</i>							
Zone	Minimum Lot Area	Maximum Lot Coverage	Minimum Front Setback	Minimum Side Setback	Minimum Rear Setback	Minimum Lot Width	Maximum Height
R-60	6,000 sq.ft.	35%	25 ft.	8 ft.	20 ft.	60 ft. (35 ft. if 60 ft. at building line)	35 ft.
R-90	9,000 sq.ft.	25%	30 ft.	11 ft.	25 ft.	80 ft.	35 ft.
R-20	2,000 per dwelling unit	30%	25 ft...	½ building height, but not less than 30 ft...	½ building height, but not less than 30 ft...	150 ft.	45 ft. if less than 5-acre site 75 ft.on sites 5 of more acres
R-30	3,000 per apartment; 4,000 per townhouse	25%	25 ft...	½ building height, but not less than 30 ft...	½ building height, but not less than 30 ft...	150 ft.	45 ft. if less than 5-acre site 75 ft.on sites 5 of more acres

- Maximum building height (i.e. 35 feet) is measured from the level of the approved street grade opposite the middle of the front of the building to the mean height level between the eaves and ridgeline. *This building envelope could potentially allow for a substantial increase in building size and height: 35% of a R-60, 6,000 square foot lot is 2,100 square feet (per floor) and the way height is currently measured can result in homes measuring more than 40 feet high.*
- Accessory buildings such as garages or storage sheds may have up to 25% rear yard coverage with a 15-foot height limit.
- Home Occupations are allowed for the mentioned uses with no separate entrance or advertising sign and a maximum of 20% of the floor area, or 300 square feet, whichever is less. There is also a restriction on outside assistance and motorized tools must be electric and not greater than 3hp.

- R-90 serves as a base zone for uses other than single family homes in the Twinbrook area – for example for Rockville High School. There are no residential properties constructed to R-90 standards in either Planning Area 7 or 8.

Commercial Areas

There are two nodes of commercial uses in the Twinbrook neighborhoods: a cluster of commercial uses on either side of Veirs Mill Road at its intersections with Atlantic Avenue and Twinbrook Parkway, which are zoned C-2, and the Burgundy Shopping Center at 802 Baltimore Road, which is zoned C-1. The C-1 zone is intended to remain small-scale and neighborhood oriented, while the C-2 zone is intended allow a general commercial center offering a wide range of goods and services.

The Twinbrook commercial centers provide convenience goods and services to nearby residents. The anchors are grocery and convenience stores, video rental stores, dry cleaning establishments, and small restaurants. Services in the C-2 zone include the U.S. Post Office and a branch of the Montgomery County Library.

Examples of Uses Permitted “P” in Commercial Zones:

Most types of retailing are allowed within the C-1 and C-2 zones, with some differences for special circumstances. For example, this may be connected to how the good is consumed, for example the regulations governing the sale of alcohol allows for:

- The sale of Alcoholic beverages for *consumption on the premises* of any restaurant or delicatessen in both the C-1 and C-2 zones. However,
- The sale of Alcoholic beverages for consumption *off the premises* is permitted in C-2 and prohibited in C-1.

Other differences may occur because of the size of the good being offered. For example:

- The sale of Boats and marine supplies is permitted in the C-2 zone and prohibited in the C-1 zone.
- Similarly, the sale of household appliances is permitted in the C-2 zone and prohibited in the C-1 zone.

However, the permitted uses are not confined to retailing:

- General and professional offices excluding medical practitioners are permitted “P” in the C-2 zone, and by conditional use (P) in the C-1 zone; similarly
- General and professional offices not dealing directly with the general public are permitted “P” in the C-2 zone, and permitted by conditional use (P) in the C-1 zone.

<i>Development Standards in the Commercial Zones</i>			
Zone	Minimum or Maximum Zone Area (Aggregate of Contiguous Lots)	Floor Area Ratio (FAR)*	Maximum Height
C-1	5 acres minimum	1.0	30 ft. Not more than 2 stories.
C-2	-	2.0	75 ft.

- These permitted uses, and development standards, mean that a six-story office building could be built - by right - on the sites that are covered by the C-2 zone.
- *See explanation of FAR at the end of this document.

Industrial Uses

The Twinbrook area has a relatively small service industrial area adjacent to the Twinbrook Metro Station. The properties on Lewis Avenue are zoned I-2, while the low-rise office building at 12720 Twinbrook Parkway is zoned I-1.

The I-1 and I-2 Zones are considered service industrial and light industrial, respectively. Service industrial uses constitute approximately 2% of the city's land base, and there are currently over two million square feet of service industrial space within Rockville. Most of the sites appear to have very little room for expansion.

The service sector is expected to remain strong in the City because it provides essential support to residents, and businesses, such as printing, graphics, storage, and automobile repair. Consequently there is a general demand for industrially zoned space and there is a desire to preserve the existing acreage for service and industrial uses, particularly as much of the previously industrially zoned land has been rezoned to other uses throughout the County. However, a problem with the I-1 and I-2 Zones is that some of the sites were developed at a time when site development standards did not limit building and pavement coverage, or require parking standards, buffers, or landscaping. Some of the sites do not have adequate off-street parking. This does not present a problem for the sites surrounded by similar uses. However, there are residential houses directly across the street from the Lewis Avenue industrial sites and if the buildings and/or properties are not maintained or if they are expanded, the condition of these industrial sites could have an adverse affect upon the adjacent residential neighborhood.

Examples of Uses Permitted “P” in Industrial Zones:

I-1 zone:

- Graphics and printing firms
- Communications service
- Sheet metal companies
- Automotive repair
- Electronic, carpentry and plumbing services
- Manufacturing
- Warehousing
- Wholesaling

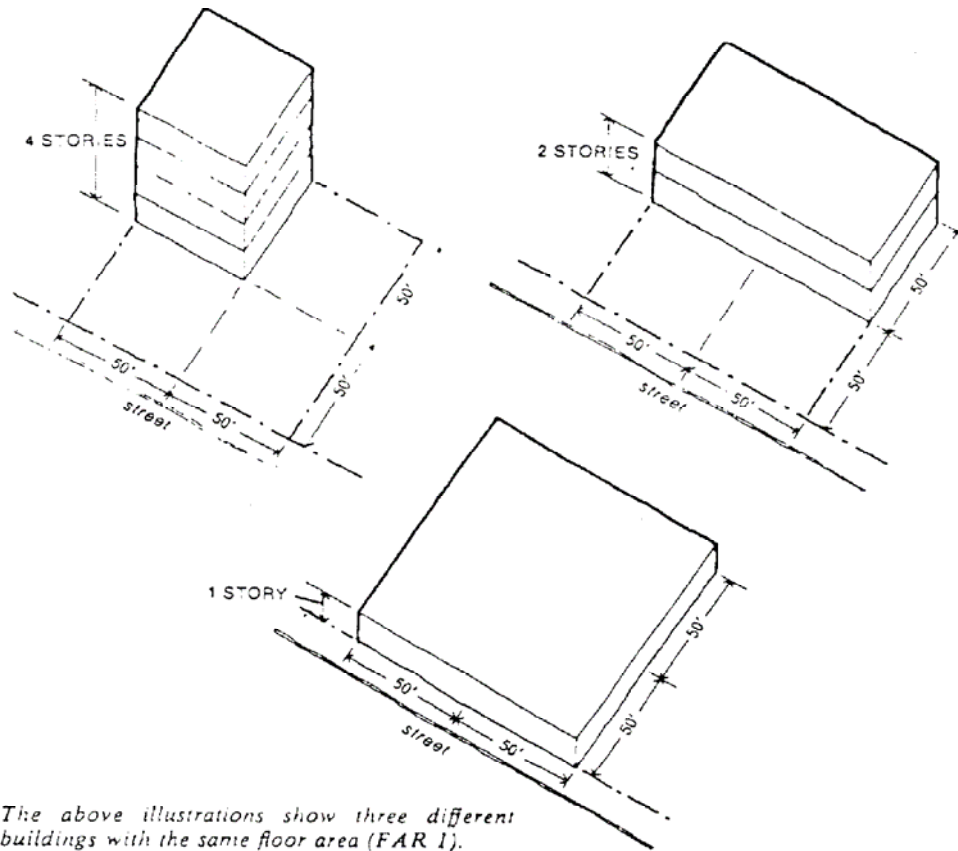
I-2 zone: is similar to the I-1 zone, but allows a broader range of uses for light manufacturing, warehousing, and wholesaling facilities.

<i>Development Standards in the Industrial Zones</i>			
Zone	Maximum Lot Coverage	Floor Area Ratio (FAR)*	Maximum Height
I-1	50%	.75	40 ft. No more than 3 stories.
I-2	60%	1.0	40 ft. No more than 3 stories.

Sources:

- *City of Rockville Comprehensive Master Plan, Approved and Adopted November 12, 2002.*
- *City of Rockville Zoning Ordinance*
- *Zoning in Rockville, Power Point presentation by Jim Wasilak*

*FAR is the ratio of the gross floor area of all buildings on a lot to the net lot area. For example, at a FAR of 1.0, a one-story building would cover the entire site; a two-story building would cover half the site, and a four-story building would cover one-quarter of the site.



The above illustrations show three different buildings with the same floor area (FAR 1).

FLOOR AREA RATIO